

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA

David Andrea Jenkins,	)	CIVIL ACTION NO. 9:14-1679-TLW-BM
	)	
Plaintiff,	)	
	)	
v.	)	
	)	<b>REPORT AND RECOMMENDATION</b>
Dr. Benjamin Thomas; Correct Care	)	
Solutions,	)	
	)	
Defendants.	)	
_____	)	

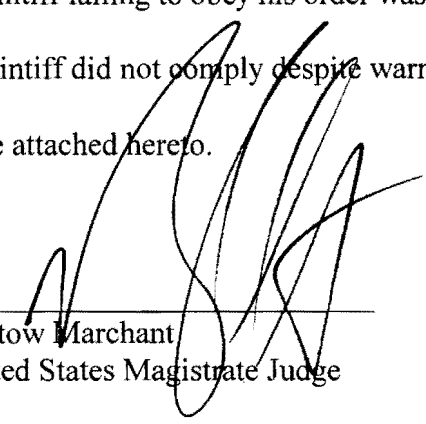
This action was filed by the Plaintiff, *pro se*, pursuant to 42 U.S.C. § 1983. Plaintiff, who was a pretrial detainee at the Lexington County Detention Center at the time he filed this action, alleges violations of his constitutional rights by the named Defendants.

In an Order entered May 2, 2014, Plaintiff was given twenty-one (21) days to bring his Complaint into proper form by completing one summons form listing each Defendant named in the case and completing, signing, and returning a Form USM-285 for each named Defendant. Plaintiff was specifically admonished that if he failed to provide the items specified within the period prescribed in the Order, the file would be forwarded to a United States District Judge to determine whether dismissal of the case was appropriate. *See In re: Procedures in Civil Actions Filed by Prisoner Pro Se Litigants*, No. 3:07-mc-5014-JFA. Plaintiff did not receive the Order, as it was returned to the court as undeliverable mail and stamped "not deliverable as addressed[,] unable to forward." On May 28, 2014, the order was re-mailed to an alternative address provided by Plaintiff in his Complaint. More than twenty-one (21) days have passed and Plaintiff has failed to respond.

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Plaintiff has failed to complete his proper form process and no Defendant has been served. It is recommended that this case be dismissed, without prejudice, for the failure of Plaintiff to comply with this Court's Order or to properly prosecute his claims. *See* Fed. R. Civ. P. 41(b); *Davis v. Williams*, 588 F.2d 69, 70 (4th Cir. 1978); *Chandler Leasing Corp. v. Lopez*, 669 F.2d 919, 920 (4th Cir. 1982); *Ballard v. Carlson*, 882 F.2d 93, 95 (4th Cir. 1989), *cert. denied sub nom.*, *Ballard v. Volunteers of Am.*, 493 U.S. 1084 (1990) (Magistrate judge's prior explicit warning that a recommendation of dismissal would result from the plaintiff failing to obey his order was proper grounds for the district court to dismiss suit when the plaintiff did not comply despite warning).

The parties are referred to the Notice Page attached hereto.



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Bristow Marchant  
United States Magistrate Judge

June 23, 2014  
Charleston, South Carolina

### **Notice of Right to File Objections to Report and Recommendation**

The parties are advised that they may file specific written objections to this Report and Recommendation with the District Judge. Objections must specifically identify the portions of the Report and Recommendation to which objections are made and the basis for such objections. “[I]n the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee’s note).

Specific written objections must be filed within fourteen (14) days of the date of service of this Report and Recommendation. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b); *see* Fed. R. Civ. P. 6(a), (d). Filing by mail pursuant to Federal Rule of Civil Procedure 5 may be accomplished by mailing objections to:

Robin L. Blume, Clerk  
United States District Court  
Post Office Box 835  
Charleston, South Carolina 29402

**Failure to timely file specific written objections to this Report and Recommendation will result in waiver of the right to appeal from a judgment of the District Court based upon such Recommendation.** 28 U.S.C. § 636(b)(1); *Thomas v. Arn*, 474 U.S. 140 (1985); *Wright v. Collins*, 766 F.2d 841 (4th Cir. 1985); *United States v. Schronce*, 727 F.2d 91 (4th Cir. 1984).